

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In Re:

**Mary Downing**

Case No. 09-81167

Chapter 13

Social Security No. xxx-xx-9740

Address: 1203 Moreland Avenue, Durham, NC 27707-

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Debtor

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**OBJECTION TO CLAIM**

**NOW COMES** the Debtor above-named, through counsel, pursuant to 11 U.S.C. §502 and Bankruptcy Rule 3007, who respectfully objects to the proof of claim filed by the creditor BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA and dated August 13, 2009, for the following reasons:

1. The on-going payment amount asserted by Beneficial, of \$951.82, includes disability insurance that was cancelled by Beneficial on August 6, 2009. The correct payment should be and should have been since the commencement of this case \$901.26. A copy of the letter cancelling this insurance and the most recent statement is attached as Exhibits A & B.
2. As of September 30, 2011, it will have been twenty-four (24) months since confirmation, Beneficial should have received \$21,630.24 for on-going payments. Any amount paid above this should be applied to the arrearage claim.
3. As the Beneficial note is a simple interest note, Beneficial should be required to recalculate the current principal balance based on this payment schedule.

**WHEREFORE**, the Debtor prays that the Court enter an Order:

1. Finding that the on-going mortgage payment to have been \$901.26 since August 2009;
2. Ordering Beneficial to recalculate the current principal balance based on this payment schedule.

Dated: September 6, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Edward C. Boltz

Edward C. Boltz

N.C. State Bar No. 23003

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**CERTIFICATE OF SERVICE**

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on September 6, 2011. I served copies of the foregoing **OBJECTION TO CLAIM** electronically or, when unable, by regular first-class U.S. mail, addressed to the following parties:

BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA

**Attn: Managing Agent**

Post Office Box 21188

Eagan, MN 55121-4201

Corey M. Robertus

Attorney for BENEFICIAL MORTGAGE COMPANY OF NORTH CAROLINA

Moss Codilis

Post Office Box 21188

Eagan, MN 55121-4201

U.S. Bankruptcy Administrator

Richard M. Hutson, II

Chapter 13 Trustee

/s Renee Nolte

Renee Nolte